

REMARKS

Favorable reconsideration of the present application is respectfully requested.

Claims 1-7, 13-22 and 24 have been withdrawn from consideration. Claim 12 has been canceled, and subject matter thereof has been incorporated into Claims 8 and 23. New Claims 25 and 26 have been introduced. Basis for Claims 25-26 can be found in the sentence bridging pages 22 and 23 of the specification.

The present invention is directed to a polymer electrolyte fuel gas system having improved operation. According to a feature of the invention set forth in the claims, the operating state of the fuel cell is controlled such that a water quantity control ratio is within a predetermined range. More specifically, at least one of the flow rate, the pressure and the temperature of the exhaust gas from the fuel cell, and an output current of the fuel cell, is altered such that the water quantity control ratio is within the predetermined range (see page 6, lines 3-22). It is thereby possible to operate the fuel cell without humidifying both of the cathode gas and the anode gas.

Claims 8-12 and 23 stand rejected under 35 U.S.C. § 112 as being indefinite because "it is not clear as to what forms the claimed ratio." This rejection is respectfully traversed.

As an initial matter, the Examiner is respectfully reminded that:

The examiner's focus during examination of claims for compliance with the requirement for definiteness of 35 U.S.C. 112, second paragraph is whether the claim meets the threshold requirements of clarity and precision, not whether more suitable language or modes of expression are available. When the examiner is satisfied that patentable subject matter is disclosed, and it is apparent to the examiner that the claims are directed to such patentable subject matter, he or she should allow claims which define the patentable subject matter with a reasonable degree of particularity and distinctness. Some latitude in the manner of expression and the aptness of terms should be permitted even though the claim language is not as precise as the examiner might desire.

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In reviewing a claim for compliance with 35 U.S.C. 112, second paragraph, the examiner must consider the claim as a whole to determine whether the

claim apprises one of ordinary skill in the art of its scope and, therefore, serves the notice function required by 35 U.S.C. 112, second paragraph by providing clear warning to others as to what constitutes infringement of the patent. (MPEP 2173.02).

Here, those skilled in the art would clearly understand the scope of the claimed ratio, when read in light of the specification. Claims 8 and 23 now recite that the operation control means or portion controls an operating state of the fuel cell such that a water quantity control ratio related to the relative humidity is within a predetermined range. The claim thus clearly recites that the water quantity control ratio can be any ratio related to the relative humidity. Since a "ratio" is a well known term, and "relative humidity" is well-known term designating a water content ratio, those skilled in the art would clearly understand the meaning of both terms, and would similarly understand that any ratio related to the relative humidity is within the scope of the claims. This objection is therefore believed to be unwarranted, and its withdrawal is respectfully traversed.

Claims 8 and 23 now incorporate the subject matter of Claim 12. Claim 12 was rejected under 35 U.S.C. § 102 as being anticipated by Japanese Patent Publication 62-176064. Applicants respectfully submit, however, that this reference provides no teaching for the subject matter of amended Claims 8 and 23.

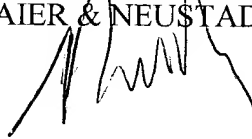
JP '064 discloses a fuel cell in which the amount of incoming oxidizing agent is controlled such that the relative humidity of the exhaust gas is controlled within a specific range (see English Abstract). **On the other hand, there is no description therein that a condition of the exhaust gas (i.e., flow rate, pressure or temperature) or the output current of the fuel cell, should be controlled such that the humidity of the exhaust gas is within the specified range.** That is, the disclosure of JP '064 is limited to controlling the amount of the oxidizing agent supplied to the fuel cell, and provides no teaching as to the

presently claimed feature of controlling a condition of the exhaust gas or the output current from the fuel cell. Amended Claims 8 and 23, and their dependent claims, therefore clearly define over this reference.

Applicants therefore believe that the present application is in a condition for allowance and respectfully solicit an early Notice of Allowability.

Respectfully submitted,

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